

AMENDED IN SENATE JUNE 28, 1999
AMENDED IN ASSEMBLY MAY 17, 1999
AMENDED IN ASSEMBLY APRIL 27, 1999
AMENDED IN ASSEMBLY APRIL 21, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1482

Introduced by Assembly Member Alquist
(Coauthors: Assembly Members Cardoza, Cunneen, Honda,
Keeley, Lempert, Longville, Olberg, and Oller)
(Coauthors: Senators Chesbro, McPherson, *Sher*, and
Vasconcellos)

February 26, 1999

An act to add and repeal Section 31755 of the Food and Agricultural Code, relating to animals, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1482, as amended, Alquist. Stray animals: impounding requirements: operative date.

Under existing law, on and after July 1, 1999, any stray dog or cat impounded by a public pound or specified shelter will be required to be held for at least 4 or 6 business days, as specified, before being killed. Under existing law, on and after July 1, 1999, and until July 1, 2001, any animal relinquished to a public pound or specified shelter by its owner will be

required to be held for at least 2 full business days, as specified, before being ~~killed~~ *euthanized*.

This bill would provide that, until July 1, 2000, a public agency that had a contract with another public or private entity to provide or receive animal shelter or animal pound holding services on January 1, 1999, by resolution, may comply with specified holding periods that were in effect on June 30, 1999, if specified conditions are met. *This bill would also require public notice and findings of fact, as described, as to the basis for the resolution. Additionally, the bill would require a plan to be adopted within 60 days of the resolution to establish a schedule of implementation, as prescribed. The bill would also require flexible hours for any facility operating under a resolution.*

The bill would declare that it would take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31755 is added to the Food and
2 Agricultural Code, to read:

3 31755. (a) Notwithstanding any other provision of
4 law, a public agency that had a contract with another
5 public or private entity to provide or receive animal
6 shelter or animal pound holding services on January 1,
7 1999, upon adoption of a resolution, may comply with the
8 holding periods specified in Sections 31108, 31752, 31752.5,
9 and 31754 on June 30, 1999, if all of the following
10 conditions are met:

11 (1) The public agency determines *after a duly noticed*
12 *public hearing* that its animal shelter provider,
13 independently of, or in conjunction with, other animal
14 pounds or animal shelters, cannot reasonably comply
15 with the longer holding periods required by Sections
16 31108, 31752, 31752.5, and 31754, as amended or added by
17 Chapter 752 of the Statutes of 1998 because of the lack of
18 sufficient facilities. *The resolution adopted by the public*
19 *agency under this subdivision shall state clearly the status*

1 of the contract for animal shelter or animal pound holding
2 services and shall include informational findings of local
3 circumstances that form the basis for the determination,
4 including, but not limited to, the number of animals
5 impounded in the prior year, the number of animals
6 expected to be impounded under the holding periods
7 required by Sections 31108, 31752, 31752.5, and 31754, as
8 amended or added by Chapter 752 of the Statutes of 1998,
9 the number of animals euthanized the prior year and the
10 cost of providing the service, the number of animals
11 adopted or reunited with owners the prior year and the
12 cost of providing the service, the percentage of cage
13 space predicted to be needed in order to comply with the
14 holding periods required by Sections 31108, 31752,
15 31752.5, and 31754 as amended or added by Chapter 752
16 of the Statutes of 1998.

17 ~~(2) The public agency has developed, or commits to~~
18 ~~developing, a plan to meet the holding periods required~~
19 ~~by Sections 31108, 31752, 31752.5, and 31754, as amended~~
20 ~~or added by Chapter 752 of the Statutes of 1998 as soon as~~
21 ~~practicable.~~

22 (2) Within 60 days of the adoption of the resolution
23 under subdivision (a), the public agency shall adopt a
24 plan to meet the holding periods required by Sections
25 31108, 31752, 31752.5, and 31754, as amended or added by
26 Chapter 752 of the Statutes of 1998, on or before July 1,
27 2000. This plan shall include a schedule of
28 implementation of the plan, and shall identify the
29 funding source or sources for any facilities that may have
30 to be built in order for the public agency to comply with
31 the requirements of Chapter 752 of the Statutes of 1998.

32 (3) The public agency requests its animal shelter
33 provider to utilize existing and any new animal shelter
34 facilities to comply, to the extent possible, with the
35 holding periods required by Sections 31108, 31752,
36 31752.5, and 31754, as amended or added by Chapter 752
37 of the Statutes of 1998.

38 (4) The public agency directs the animal shelter
39 provider to operate or establish a program for the
40 adoption of animals.

(5) The public agency directs the animal shelter provider to release an animal scheduled to be euthanized to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organization at the request of that nonprofit organization, as provided by law.

~~(6) The public agency requests the animal shelter provider to comply with the operating hours specified in paragraphs (1) and (2) of subdivision (a) of Section 31752 or in paragraphs (1) and (2) of subdivision (a) of Section 31108, as appropriate, in order to increase the opportunity for owners to reclaim their pets and to increase the opportunity for adoptions.~~

(b) The public agency that adopts a resolution pursuant to subdivision (a) shall require the animal shelter or animal pound holding service provider to implement flexible operating hours in order to increase the opportunity for owners to reclaim their pets and to increase the opportunity for adoption of impounded animals.

~~(b)~~

(c) It is the intent of the Legislature that there be no further statutory delay in implementing the holding periods established by Chapter 752 of the Statutes of 1998.

~~(e)~~

(d) It is the intent of the Legislature that, where possible, animal pounds and shelters utilize the Internet to provide pictures or descriptions, or both pictures and descriptions, of animals housed in these pounds or shelters, in order to facilitate reuniting owners and pets and to facilitate adoption.

~~(d)~~

(e) This section shall remain in effect until July 1, 2000, and as of that date is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

1 In order to ensure that local pounds and shelters that
2 provide animal shelter services to public agencies may
3 continue to operate in order to protect the public health,
4 safety, and welfare while making arrangements to
5 implement or otherwise respond to the provisions of
6 Chapter 752 of the Statutes of 1998, it is necessary that this
7 act take effect immediately.

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